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Attorney for Plaintiff
WAYNE BERRY

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2 JUN 21 2006

at ___ o'clock and ___ min. ___ M
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;) Civ. No. CV03 00385 SOM-LEK
) (Copyright)

Plaintiff,)

vs.)

HAWAIIAN EXPRESS SERVICE,) **NOTICE OF APPEAL; EXHIBITS**
INC., a California corporation; H.E.S.) **"1" TO "3"**
TRANSPORTATION SERVICES,)
INC., a California corporation;)
CALIFORNIA PACIFIC)
CONSOLIDATORS, INC., a)
California corporation; JEFFREY P.)
GRAHAM and PETER SCHAUL,)
California citizens; MARK DILLON)
and TERESA NOA, BRIAN)
CHRISTENSEN, Hawaii citizens;)
FLEMING COMPANIES, INC., an)
Oklahoma corporation; C & S)
LOGISTICS OF HAWAII, LLC, a)
Delaware LLC; C & S WHOLESALE)
GROCERS, INC., a Vermont)
corporation;)

C & S ACQUISITIONS, LLC;)
 FOODLAND SUPER MARKET,)
 LIMITED, a Hawaii corporation;)
 HAWAII TRANSFER COMPANY,)
 LIMITED, a Hawaii Corporation,)
 RICHARD COHEN, a New Hampshire)
 citizen ES3, LLC, a Delaware Limited)
 Liability Company, MELVIN PONCE,)
 SONIA PURDY, JUSTIN)
 FUKUMOTO, AFREDDA)
 WAIOLAMA, JACQUELINE RIO,)
 Hawaii citizens; JESSIE GONZALES,)
 LUIZ RODRIGUES, AL PEREZ and)
 PATRICK HIRAYAMA , California)
 citizens; GUIDANCE SOFTWARE,)
 LLC, a California, LLC; MICHAEL)
 GURZI, a California citizen; ALIX)
 PARTNERS, LLC, a Delaware LLC;)
 DOE INDIVIDUALS 2-350; DOE)
 PARTNERSHIPS, CORPORATIONS)
 and OTHER DOE ENTITIES 2-20,)
)
)
 Defendants.)
 _____)

NOTICE OF APPEAL


Notice is hereby given that Plaintiff-Appellant Wayne Berry, by and through his undersigned counsel, hereby appeals to the United States Court of Appeals for the Ninth Circuit from Orders of the Honorable Susan Oki Mollway District Judge of the United States District Court for the District of Hawaii, that

are set forth on the attached Exhibit "1".

The Court entered its Second Amended Final Judgment in a Civil Case on March 16, 2006. A true and correct copy is attached as Exhibit "2".

Pursuant to Circuit Court Rule 3-2, Appellant Wayne Berry submits his Identification of Parties to the Appeal, attached hereto as Exhibit "3."

Dated: Honolulu, Hawaii, June 21, 2006.


TIMOTHY M. HOGAN
Attorney for Plaintiff
WAYNE BERRY